United States Department of Labor Employees' Compensation Appeals Board

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D.L., Appellant)	
and) Docket No. 0	7-2345 mber 31, 2008
U.S. POSTAL SERVICE, POST OFFICE, Philadelphia, PA, Employer) Issued. Dece	mbel 31, 2006
Appearances: Jeffrey P. Zeelander, Esq., for the appellant	Case Submitted on t	he Record

Office of Solicitor, for the Director

ORDER GRANTING PETITION FOR CORRECTION AND AFFIRMING DECISION AS MODIFIED

Before:

DAVID S. GERSON, Judge MICHAEL E. GROOM, Alternate Judge JAMES A. HAYNES, Alternate Judge

The Board issued its decision and order in the above-captioned appeal on March 10, 2008. By that decision, the Board set aside the September 5, 2007 decision of the Office of Workers' Compensation Programs and remanded the case to the Office for further development. The Board found that the June 1, 2007 report of Dr. Richard I. Zamarin, an attending Board-certified orthopedic surgeon, was sufficient to require further development of the medical evidence regarding whether appellant met her burden of proof to establish that she sustained an employment-related medical condition other than those accepted for her left shoulder.

On April 8, 2008 the Director of the Office filed a petition for correction requesting that the Board delete all references that Dr. Zamarin's June 1, 2007 report was based on a "statement of accepted facts" within the meaning of the Federal Employees' Compensation Act. The Director indicated that he did not dispute the Board's holding to remand the case for further development.

The Board has duly considered the Director's petition for correction and finds that it should be granted. The Board finds that all references to a statement of accepted facts should be deleted from the Board's March 10, 2008 decision, including a reference in footnote 3 on page 2 that the record contained a statement of accepted facts and references in footnote 4 on page 2 and the

second complete paragraph on page 4 that Dr. Zamarin's June 1, 2007 report was based on a statement of accepted facts. Accordingly,

IT IS HEREBY ORDERED THAT the Director's petition for correction is granted. The Board's March 10, 2008 decision is affirmed as modified.

Issued: December 31, 2008 Washington, DC

David S. Gerson, Judge Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge Employees' Compensation Appeals Board